

SENATE BILL No. 362

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9; IC 20-33; IC 31-37-19; IC 33-39-1-8; IC 34-28-5-1.

Synopsis: Driving authority permits and learner's permits. Provides for the issuance of driving authority permits, probationary driving authority permits, and driving authority learner's permits to residents of Indiana who cannot provide proof of identity and lawful status in the United States. Provides that these permits may not be used for federal identification or for any federal purposes. Requires that an individual who holds such a permit and operates a motor vehicle must ensure that required financial responsibility on the motor vehicle is continuously maintained in the amounts required by law. Makes conforming amendments. Removes outdated language.

Effective: July 1, 2015.

Broden

January 8, 2015, read first time and referred to Committee on Homeland Security & Transportation.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 362

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-14-3-7, AS AMENDED BY P.L.125-2012,
- 2 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2015]: Sec. 7. (a) The bureau shall maintain a driving record
- 4 for each person licensed **or issued a permit** by the bureau to drive a
- 5 motor vehicle.
- 6 (b) A driving record must contain the following:
- 7 (1) A person's convictions for any of the following:
- 8 (A) A moving traffic violation.
- 9 (B) Operating a vehicle without financial responsibility in
- 10 violation of IC 9-25.
- 11 (2) Any administrative penalty imposed by the bureau.
- 12 (3) If the driving privileges of a person have been suspended or
- 13 revoked by the bureau, an entry in the record stating that a notice
- 14 of suspension or revocation was mailed by the bureau and the date
- 15 of the mailing of the notice.
- 16 (4) Any suspensions, revocations, or reinstatements of a person's



driving privileges, license, or permit.

(5) Any requirement that the person may operate only a motor vehicle equipped with a certified ignition interlock device.

(c) An entry in the driving record of a defendant stating that notice of suspension or revocation was mailed by the bureau to the defendant constitutes prima facie evidence that the notice was mailed to the defendant's address as shown in the records of the bureau.

(d) A driving record maintained under this section:

(1) is not admissible as evidence in any action for damages arising out of a motor vehicle accident; and

(2) may not include voter registration information.

SECTION 2. IC 9-21-11-12, AS AMENDED BY P.L.221-2014, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. A Class B motor driven cycle may not be operated under any of the following conditions:

(1) By a person less than fifteen (15) years of age.

(2) By a person who has not obtained an identification card with a Class B motor driven cycle endorsement under IC 9-24, a permit under IC 9-24, an operator's license under IC 9-24, a chauffeur's license under IC 9-24, ~~or~~ a public passenger chauffeur's license under IC 9-24, **or a driving authority permit or driving authority learner's permit under IC 9-24.**

(3) On an interstate highway or a sidewalk.

(4) At a speed greater than thirty-five (35) miles per hour.

SECTION 3. IC 9-24-1-1, AS AMENDED BY P.L.221-2014, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Except as otherwise provided in this chapter, an individual must have a valid Indiana:

(1) operator's license;

(2) chauffeur's license;

(3) public passenger chauffeur's license;

(4) commercial driver's license;

(5) driver's license listed in subdivision (1), (2), (3), or (4) with:
(A) a motorcycle endorsement; or

(B) a motorcycle endorsement with a Class A motor driven cycle restriction;

(6) learner's permit; ~~or~~

(7) motorcycle learner's permit;

(8) driving authority permit; or

(9) driving authority learner's permit;

issued to the individual by the bureau under this article to operate upon an Indiana highway the type of motor vehicle for which the license or



1 permit was issued.

2 (b) An individual must have:

3 (1) an unexpired identification card with a Class B motor driven
4 cycle endorsement issued to the individual by the bureau under
5 IC 9-24-16; ~~or~~

6 (2) a valid driver's license described in subsection (a);

7 **(3) a driving authority permit; or**

8 **(4) a driving authority learner's permit;**

9 to operate a Class B motor driven cycle upon an Indiana highway.

10 SECTION 4. IC 9-24-2-1, AS AMENDED BY P.L.125-2012,
11 SECTION 166, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The bureau shall suspend the
13 driving privileges or invalidate the learner's permit **or driving**
14 **authority learner's permit** of an individual less than eighteen (18)
15 years of age who meets any of the following conditions:

16 (1) Is a habitual truant under IC 20-33-2-11.

17 (2) Is under at least a second suspension from school for the
18 school year under IC 20-33-8-14 or IC 20-33-8-15.

19 (3) Is under an expulsion from school under IC 20-33-8-14,
20 IC 20-33-8-15, or IC 20-33-8-16.

21 (4) Is considered a dropout under IC 20-33-2-28.5.

22 (b) At least five (5) days before holding an exit interview under
23 IC 20-33-2-28.5, the school corporation shall give notice by certified
24 mail or personal delivery to the student, the student's parent, or the
25 student's guardian that the student's failure to attend an exit interview
26 under IC 20-33-2-28.5 or return to school if the student does not meet
27 the requirements to withdraw from school under IC 20-33-2-28.5 will
28 result in the revocation or denial of the student's:

29 (1) driver's license, ~~or~~ learner's permit, **driving authority permit,**
30 **or driving authority learner's permit;** and

31 (2) employment certificate.

32 SECTION 5. IC 9-24-2-2, AS AMENDED BY P.L.125-2012,
33 SECTION 167, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2015]: Sec. 2. The bureau shall suspend the
35 driving privileges or invalidate the learner's permit **or a driving**
36 **authority learner's permit** of an individual less than eighteen (18)
37 years of age who is under an order entered by a juvenile court under
38 IC 31-37-19-13 through IC 31-37-19-17 (or IC 31-6-4-15.9(d),
39 IC 31-6-4-15.9(e), or IC 31-6-4-15.9(f) before their repeal).

40 SECTION 6. IC 9-24-2-2.5, AS AMENDED BY P.L.125-2012,
41 SECTION 168, IS AMENDED TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2015]: Sec. 2.5. (a) The bureau shall suspend



the driving privileges or invalidate the learner's permit **or a driving authority learner's permit** of an individual who is under an order entered by a court under IC 35-43-1-2(c).

(b) The bureau shall suspend the driving privileges or invalidate the learner's permit **or a driving authority learner's permit** of a person who is the subject of an order issued under IC 31-37-19-17 (or IC 31-6-4-15.9(f) before its repeal) or IC 35-43-1-2(c).

SECTION 7. IC 9-24-2-3, AS AMENDED BY P.L.2-2014, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The bureau may not issue a driver's license, ~~or~~ learner's permit, **driving authority permit, or driving authority learner's permit** or grant driving privileges to the following individuals:

(1) An individual whose driving privileges have been suspended, during the period for which the driving privileges are suspended, or to an individual whose driver's license **or driving authority permit** has been revoked, until the time the bureau is authorized under Indiana law to issue the individual a new license.

(2) An individual whose learner's permit **or driving authority learner's permit** has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the public highways.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this article to take an examination unless:

(A) the person successfully passes the examination; or

(B) the bureau waives the examination requirement.

(6) An individual who is required under IC 9-25 or any other statute to deposit or provide proof of financial responsibility and who has not deposited or provided that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a public highway of Indiana by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under IC 31-16-12-7 (or IC 31-1-11.5-13, IC 31-6-6.1-16, or IC 31-14-12-4 before their repeal); or



(B) the Title IV-D agency;
ordering that a driver's license or permit not be issued to the individual.

(9) This subdivision does not apply to an applicant for a driving authority permit under IC 9-24-3.5 or a driving authority learner's permit under IC 9-24-7. An individual who has not presented valid documentary evidence to the bureau of the person's legal status in the United States, as required by ~~IC 9-24-9-2.5~~; **IC 9-24-9-2.5(a).**

(10) An individual who does not otherwise satisfy the requirements of this article.

(b) An individual subject to epileptic seizures may not be denied a driver's license or permit under this section if the individual presents a statement from a licensed physician, on a form prescribed by the bureau, that the individual is under medication and is free from seizures while under medication.

SECTION 8. IC 9-24-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 3.5. Driving Authority Permit

Sec. 1. An individual who is unable to present the valid documentary evidence required by IC 9-24-9-2.5(a) may apply to the bureau for a driving authority permit.

Sec. 2. The bureau shall issue a driving authority permit to an individual who meets the following conditions:

(1) Satisfies the age requirements set forth in section 3 of this chapter.

(2) Makes proper application to the bureau under IC 9-24-9 upon a form prescribed by the bureau. The form must include an attestation concerning the number of hours of supervised driving practice that the individual has completed if the individual is required under section 3 of this chapter to complete a certain number of hours of supervised driving practice in order to receive a driving authority permit. The:

(A) parent or guardian of an applicant less than eighteen (18) years of age; or

(B) applicant, if the applicant is at least eighteen (18) years of age;

shall attest in writing under penalty of perjury to the time logged in practice driving.

(3) Satisfactorily passes the examination and tests required for issuance of a driving authority permit.



(4) Pays the fee prescribed by IC 9-29-9-1.

Sec. 3. (a) An individual must satisfy the requirements set forth in one (1) of the following subdivisions to receive a driving authority permit:

(1) The individual meets the following conditions:

(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.

(B) Has held a valid driving authority learner's permit for at least one hundred eighty (180) days.

(C) Obtains an instructor's certification that the individual has satisfactorily completed an approved driver education course.

(D) Passes the required examination.

(E) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:

(i) a licensed instructor or a licensed driver, with valid driving privileges, who is at least twenty-five (25) years of age; or

(ii) the spouse of the individual who is a licensed driver with valid driving privileges and is at least twenty-one (21) years of age.

(2) The individual meets the following conditions:

(A) Is at least sixteen (16) years and two hundred seventy (270) days of age.

(B) Has held a valid driving authority learner's permit for at least one hundred eighty (180) days.

(C) Passes the required examination.

(D) Completes at least fifty (50) hours of supervised driving practice, of which at least ten (10) hours are nighttime driving, with:

(i) a licensed instructor or a licensed driver, with valid driving privileges, who is at least twenty-five (25) years of age; or

(ii) the spouse of the individual who is a licensed driver with valid driving privileges and is at least twenty-one (21) years of age.

(3) The individual meets the following conditions:

(A) Is at least eighteen (18) years of age.

(B) Has previously been a nonresident of Indiana but, at the time of application, qualifies as an Indiana resident.

(C) Held a valid driver's license, excluding a learner's



1 permit or the equivalent, from the state of prior residence.

2 (D) Passes the required examinations.

3 (b) An applicant who is required to complete at least fifty (50)
4 hours of supervised practice driving under subsection (a)(1)(E) or
5 (a)(2)(D) must submit to the commission under IC 9-24-9-2(c)
6 evidence of the time logged in practice driving.

7 Sec. 4. A driving authority permit or driving authority learner's
8 permit must include a statement on the face of the permit that
9 indicates that the permit may not be accepted by any federal
10 agency for federal identification or any other federal purpose.

11 Sec. 5. A driving authority permit or driving authority learner's
12 permit allows the holder to operate a passenger motor vehicle, a
13 truck with a declared gross weight equal to or less than eleven
14 thousand (11,000) pounds, or a Class B motor driven cycle.

15 Sec. 6. A person who holds a driving authority permit or driving
16 authority learner's permit and operates a motor vehicle shall
17 ensure that required financial responsibility on a motor vehicle
18 that the holder operates is continuously maintained in the amounts
19 set forth in IC 9-25-4.

20 Sec. 7. The bureau shall adopt rules under IC 4-22-2 to carry
21 out this chapter.

22 SECTION 9. IC 9-24-7-1, AS AMENDED BY P.L.125-2012,
23 SECTION 196, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The bureau shall issue a
25 learner's permit **for an operator's license** to an individual who:

- 26 (1) is at least fifteen (15) years of age;
- 27 (2) if less than eighteen (18) years of age, is not ineligible under
28 IC 9-24-2-1;
- 29 (3) is enrolled in an approved driver education course; and
- 30 (4) has passed a written examination as required under
31 IC 9-24-10.

32 (b) The bureau shall issue a learner's permit **for an operator's**
33 **license** to an individual who:

- 34 (1) is at least sixteen (16) years of age;
- 35 (2) if less than eighteen (18) years of age, is not ineligible under
36 IC 9-24-2; and
- 37 (3) has passed a written examination as required under
38 IC 9-24-10.

39 (c) An individual who is unable to present the valid
40 documentary evidence required by IC 9-24-9-2.5(a) may apply for
41 a driving authority learner's permit, which may be used as the
42 basis to be issued a driving authority permit under IC 9-24-3.5.



1 **The bureau shall issue a driving authority learner's permit to an**
 2 **individual:**

3 **(1) who:**

4 **(A) is at least fifteen (15) years of age, but if less than**
 5 **eighteen (18) years of age, is not ineligible under**
 6 **IC 9-24-2-1;**

7 **(B) is enrolled in an approved driver education course; and**

8 **(C) has passed a written examination as required under**
 9 **IC 9-24-10; or**

10 **(2) who:**

11 **(A) is at least sixteen (16) years of age, but if less than**
 12 **eighteen (18) years of age, is not ineligible under IC 9-24-2;**
 13 **and**

14 **(B) has passed a written examination as required under**
 15 **IC 9-24-10.**

16 SECTION 10. IC 9-24-7-2, AS AMENDED BY P.L.125-2012,
 17 SECTION 197, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2015]: Sec. 2. The instructor of an approved
 19 driver education course shall validate or certify a learner's permit **or a**
 20 **driving authority learner's permit** when the holder has satisfactorily
 21 completed the course. If the instructor is unable to certify the actual
 22 learner's permit **or driving authority learner's permit**, the instructor
 23 may certify that the holder has satisfactorily completed the course in a
 24 manner the bureau prescribes.

25 SECTION 11. IC 9-24-7-4, AS AMENDED BY P.L.85-2013,
 26 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2015]: Sec. 4. A learner's permit **for an operator's license or**
 28 **a driving authority learner's permit** authorizes the permit holder to
 29 operate a motor vehicle, except a motorcycle or commercial motor
 30 vehicle, upon a public highway under the following conditions:

31 (1) While the holder is participating in practice driving in a
 32 approved driver education course and is accompanied by a
 33 certified driver education instructor or student teacher in the front
 34 seat of a motor vehicle equipped with dual controls.

35 (2) While the holder is participating in practice driving after
 36 having commenced an approved driver education course and the
 37 seat beside the holder is occupied by a licensed driver with valid
 38 driving privileges who is at least:

39 (A) twenty-five (25) years of age; or

40 (B) if the licensed driver is the holder's spouse, twenty-one
 41 (21) years of age.

42 (3) If the holder is not participating in an approved driver



education course, and is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a licensed driver with valid driving privileges who is at least:

(A) twenty-five (25) years of age; or

(B) if the licensed driver is the holder's spouse, twenty-one (21) years of age.

(4) If the holder is not participating in an approved driver education course, and is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by a licensed driver with valid driving privileges who is at least twenty-one (21) years of age.

SECTION 12. IC 9-24-7-5, AS AMENDED BY P.L.125-2012, SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) A holder of a learner's permit may take the skills examination for an operator's license not later than the expiration date of the learner's permit. A holder who does not pass the skills examination after a third attempt is not eligible to take the examination until two (2) months after the date of the last failed examination.

(b) A holder of a driving authority learner's permit may take the skills examination for a driving authority permit not later than the expiration date of the driving authority learner's permit. A holder who does not pass the skills examination after a third attempt is not eligible to take the examination until two (2) months after the date of the last failed examination.

SECTION 13. IC 9-24-7-7, AS AMENDED BY P.L.85-2013, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 7. The bureau shall publish the following:

(1) An online driving guide that may be used by the holder of a learner's permit **or a driving authority learner's permit** and the parent of the holder of a learner's permit **or a driving authority learner's permit**, if applicable.

(2) An online log that must be completed to show evidence of the completion of the hours of supervised practice driving required under IC 9-24-3-2.5(a)(1)(E), ~~or~~ IC 9-24-3-2.5(a)(2)(D), **IC 9-24-3.5-3(a)(1)(E), or IC 9-24-3.5-3(a)(2)(D).**

SECTION 14. IC 9-24-9-1, AS AMENDED BY P.L.85-2013, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Each application for a permit or license under this ~~chapter~~ **article** must:

(1) be made upon the approved form for the application furnished



1 by the bureau;

2 (2) include a signed affidavit in which the applicant swears or
3 affirms that the information set forth in the application by the
4 applicant is correct; and

5 (3) include a voter registration form as provided in IC 3-7-14 and
6 42 U.S.C. 1973gg-3(c)(1).

7 However, an online application does not have to include a voter
8 registration form under subdivision (3).

9 (b) The Indiana election commission may prescribe a voter
10 registration form for use under subsection (a) that is a separate
11 document from the remaining portions of the application described in
12 subsection (a)(1) and (a)(2) if the voter registration form remains a part
13 of the application, as required under 42 U.S.C. 1973gg-3(c)(1).

14 SECTION 15. IC 9-24-9-2, AS AMENDED BY P.L.85-2013,
15 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2015]: Sec. 2. (a) Except as provided in subsection (b), each
17 application for a license or permit under this ~~chapter~~ **article** must
18 require the following information:

19 (1) The full legal name of the applicant.

20 (2) The applicant's date of birth.

21 (3) The gender of the applicant.

22 (4) The applicant's height, weight, hair color, and eye color.

23 (5) The principal address and mailing address of the applicant.

24 **(6) Unless the applicant is applying for a driving authority**
25 **permit under IC 9-24-3.5 or a learner's permit leading only to**
26 **a driving authority permit under IC 9-24-7-1(c), a:**

27 (A) valid Social Security number; or

28 (B) verification of an applicant's:

29 (i) ineligibility to be issued a Social Security number; and

30 (ii) identity and lawful status.

31 **An applicant for a driving authority permit or driving**
32 **authority learner's permit must submit a valid individual**
33 **taxpayer identification number for the applicant and**
34 **verification of the applicant's identity.**

35 (7) Whether the applicant has been subject to fainting spells or
36 seizures.

37 (8) Whether the applicant has been licensed as an operator, a
38 chauffeur, or a public passenger chauffeur or has been the holder
39 of a learner's permit, and if so, when and by what state.

40 (9) Whether the applicant's license or permit has ever been
41 suspended or revoked, and if so, the date of and the reason for the
42 suspension or revocation.



(10) Whether the applicant has been convicted of a crime punishable as a felony under Indiana motor vehicle law or any other felony in the commission of which a motor vehicle was used.

(11) Whether the applicant has a physical or mental disability, and if so, the nature of the disability and other information the bureau directs.

(12) The signature of the applicant showing the applicant's legal name as it appears or will appear on the license or permit.

(13) A digital photograph of the applicant.

The bureau shall maintain records of the information provided under subdivisions (1) through (13).

(b) For purposes of subsection (a), an individual certified as a program participant in the address confidentiality program under IC 5-26.5 is not required to provide the individual's principal address and mailing address, but may provide an address designated by the office of the attorney general under IC 5-26.5 as the individual's principal address and mailing address.

(c) In addition to the information required by subsection (a), an applicant who is required to complete at least fifty (50) hours of supervised practice driving under IC 9-24-3-2.5(a)(1)(E), ~~or~~ IC 9-24-3-2.5(a)(2)(D), **IC 9-24-3.5-3(a)(1)(E), or IC 9-24-3.5-3(a)(2)(D)** must submit to the bureau evidence of the time logged in practice driving. The bureau shall maintain a record of the time log provided.

(d) In addition to the information required under subsection (a), an application for a license or permit to be issued under this chapter must enable the applicant to indicate that the applicant is a veteran of the armed forces of the United States and wishes to have an indication of the applicant's veteran status appear on the license or permit. An applicant who wishes to have an indication of the applicant's veteran status appear on a license or permit must:

(1) indicate on the application that the applicant:

(A) is a veteran of the armed forces of the United States; and

(B) wishes to have an indication of the applicant's veteran status appear on the license or permit; and

(2) verify the applicant's veteran status by providing proof of discharge or separation, other than a dishonorable discharge, from the armed forces of the United States.

The bureau shall maintain records of the information provided under this subsection.

SECTION 16. IC 9-24-9-2.5, AS AMENDED BY P.L.162-2009,



SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.5. **(a) Except as provided in subsection (b),** in addition to the information required from the applicant for a license or permit under sections 1 and 2 of this chapter, the bureau shall require an applicant to present to the bureau valid documentary evidence that the applicant:

- (1) is a citizen or national of the United States;
- (2) is an alien lawfully admitted for permanent residence in the United States;
- (3) has conditional permanent resident status in the United States;
- (4) has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (5) is an alien lawfully admitted for temporary residence in the United States;
- (6) has a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (7) has a pending application for asylum in the United States;
- (8) has a pending or approved application for temporary protected status in the United States;
- (9) has approved deferred action status; or
- (10) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(b) An applicant for a driving authority permit under IC 9-24-3.5 or a driving authority learner's permit under IC 9-24-7-1(c) who is unable to provide the documentation required under subsection (a) must provide the bureau with documentation of residence in Indiana as required by rules adopted by the bureau under IC 4-22-2. The rules must provide that the supporting documentation may be shown by official documentation from a foreign consulate.

SECTION 17. IC 9-24-9-3, AS AMENDED BY P.L.156-2006, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 3. The application of an individual less than eighteen (18) years of age for a permit or license under this ~~chapter~~ **article** must be signed and sworn to or affirmed by one (1) of the following in order of preference:

- (1) The parent having custody of the minor applicant or a designee of the custodial parent specified by the custodial parent.
- (2) The noncustodial parent (as defined in IC 31-9-2-83) of the minor applicant or a designee of the noncustodial parent specified



1 by the noncustodial parent.

2 (3) The guardian having custody of the minor applicant.

3 (4) In the absence of a person described in subdivisions (1)
4 through (3), any other adult who is willing to assume the
5 obligations imposed by the provisions of this chapter.

6 SECTION 18. IC 9-24-9-4 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) An individual
8 who signs an application for a permit or license under this ~~chapter~~
9 **article** agrees to be responsible jointly and severally with the minor
10 applicant for any injury or damage that the minor applicant causes by
11 reason of the operation of a motor vehicle if the minor applicant is
12 liable in damages.

13 (b) An individual who has signed the application of a minor
14 applicant for a permit or license may subsequently file with the bureau
15 a verified written request that the permit or license be canceled. The
16 bureau shall cancel the permit or license and the individual who signed
17 the application of the minor applicant shall be relieved from the
18 liability that is imposed under this ~~chapter~~ **article** by reason of having
19 signed the application and that is subsequently incurred by the minor
20 applicant in operating a motor vehicle.

21 (c) When a minor applicant becomes eighteen (18) years of age, the
22 individual who signed the minor's application is relieved from the
23 liability imposed under this ~~chapter~~ **article** and subsequently incurred
24 by the applicant operating a motor vehicle.

25 SECTION 19. IC 9-24-10-2 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. The bureau may
27 adopt rules under IC 4-22-2 necessary for the conduct of examinations
28 for a learner's permit, **a driving authority learner's permit**, an
29 operator's license, **a driving authority permit**, a chauffeur's license,
30 and a public passenger chauffeur's license in accordance with this
31 chapter concerning the qualifications and ability of applicants to
32 operate motor vehicles in accordance with the rights and privileges of
33 those permits and licenses.

34 SECTION 20. IC 9-24-10-4, AS AMENDED BY P.L.85-2013,
35 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2015]: Sec. 4. (a) Except as provided in subsection (c), an
37 examination for a learner's permit, **driving authority learner's**
38 **permit**, ~~or~~ driver's license, ~~or driving authority permit~~ must include
39 the following:

40 (1) A test of the following of the applicant:

41 (A) Eyesight.

42 (B) Ability to read and understand highway signs regulating,



1 warning, and directing traffic.

2 (C) Knowledge of Indiana traffic laws, including
3 IC 9-26-1-1.5.

4 (2) An actual demonstration of the applicant's skill in exercising
5 ordinary and reasonable control in the operation of a motor
6 vehicle under the type of permit or license applied for.

7 (b) The examination may include further physical and mental
8 examination that the bureau finds necessary to determine the
9 applicant's fitness to operate a motor vehicle safely upon Indiana
10 highways. The applicant must provide the motor vehicle used in the
11 examination.

12 (c) The bureau:

13 (1) may waive the actual demonstration required under subsection
14 (a)(2) for a person who has passed a driver's education class and
15 a skills test given by a driver training school or driver education
16 program given by an entity licensed under IC 9-27; and

17 (2) may waive the testing, other than testing under subsection
18 (a)(1)(A), of an applicant who has passed:

19 (A) an examination concerning:

20 (i) subsection (a)(1)(B); and

21 (ii) subsection (a)(1)(C); and

22 (B) a skills test;

23 given by a driver training school or an entity licensed under
24 IC 9-27.

25 (d) The bureau shall adopt rules under IC 4-22-2 specifying
26 requirements for a skills test given under subsection (c) and the testing
27 required under subsection (a)(1)(B) and (a)(1)(C).

28 (e) An instructor having a license under IC 9-27-6-8 who did not
29 instruct the applicant for the license or permit in driver education is not
30 civilly or criminally liable for a report made in good faith to the:

31 (1) bureau;

32 (2) commission; or

33 (3) driver licensing medical advisory board;

34 concerning the fitness of the applicant to operate a motor vehicle in a
35 manner that does not jeopardize the safety of individuals or property.

36 SECTION 21. IC 9-24-11-3, AS AMENDED BY P.L.1-2010,
37 SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2015]: Sec. 3. (a) This section applies to a probationary
39 operator's license issued before July 1, 2009.

40 (b) A license issued to an individual less than eighteen (18) years of
41 age is a probationary license.

42 (c) An individual holds a probationary license subject to the



1 following conditions:

2 (1) Except as provided in IC 31-37-3, the individual may not
3 operate a motor vehicle during the curfew hours specified in
4 IC 31-37-3-2.

5 (2) During the ninety (90) days following the issuance of the
6 probationary license, the individual may not operate a motor
7 vehicle in which there are passengers unless another individual:

8 (A) who is at least twenty-one (21) years of age and holds a
9 valid operator's license issued under this article; or

10 (B) who is the parent, guardian, or stepparent of the individual
11 holding a probationary license and who is at least twenty-one
12 (21) years of age;

13 is present in the front seat of the motor vehicle.

14 (3) The individual may operate a motor vehicle only if:

15 (A) a safety belt is properly fastened about the body of the
16 individual; and

17 (B) a safety belt is properly fastened about the body of each
18 occupant of the motor vehicle;

19 at all times when the motor vehicle is in motion.

20 (d) An individual who holds a probationary license issued under this
21 section may receive an operator's license, a chauffeur's license, a public
22 passenger chauffeur's license, or a commercial driver's license when the
23 individual is at least eighteen (18) years of age.

24 (e) Except as provided in subsection (f), a probationary license
25 issued under this section:

26 (1) expires at midnight of the twenty-first birthday of the holder;
27 and

28 (2) may not be renewed.

29 (f) A probationary license issued under this section to an individual
30 who complies with ~~IC 9-24-9-2.5(5)~~ **IC 9-24-9-2.5(a)(5)** through
31 ~~IC 9-24-9-2.5(10)~~ **IC 9-24-9-2.5(a)(10)** expires:

32 (1) at midnight one (1) year after issuance if there is no expiration
33 date on the authorization granted to the individual to remain in the
34 United States; or

35 (2) if there is an expiration date on the authorization granted to
36 the individual to remain in the United States, the earlier of the
37 following:

38 (A) At midnight of the date the authorization to remain in the
39 United States expires.

40 (B) At midnight of the twenty-first birthday of the holder.

41 SECTION 22. IC 9-24-11-3.3, AS AMENDED BY P.L.85-2013,
42 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 3.3. (a) This section applies to a probationary operator's license ~~issued after June 30, 2009~~; **or a probationary driving authority permit.**

(b) A license issued to or held by an individual less than eighteen (18) years of age is a probationary license. **A driving authority permit issued to or held by an individual less than eighteen (18) years of age is a probationary driving authority permit.** An individual holds a probationary license **or a probationary driving authority permit** subject to the following conditions:

(1) Except as provided in subdivision (3), the individual may not operate a motor vehicle from 10 p.m. until 5 a.m. of the following morning during the first one hundred eighty (180) days after issuance of the probationary license **or the probationary driving authority permit.**

(2) Except as provided in subdivision (3), after one hundred eighty (180) days after issuance of the probationary license **or the probationary driving authority permit**, and until the individual becomes eighteen (18) years of age, an individual may not operate a motor vehicle:

(A) between 1 a.m. and 5 a.m. on a Saturday or Sunday;

(B) after 11 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(C) before 5 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(3) The individual may operate a motor vehicle during the periods described in subdivisions (1) and (2) if the individual operates the motor vehicle while:

(A) participating in, going to, or returning from:

(i) lawful employment;

(ii) a school sanctioned activity; or

(iii) a religious event; or

(B) accompanied by a licensed driver with valid driving privileges who is:

(i) at least twenty-five (25) years of age; or

(ii) if the licensed driver is the individual's spouse, at least twenty-one (21) years of age.

(4) The individual may not operate a motor vehicle while using a telecommunications device until the individual becomes eighteen (18) years of age unless the telecommunications device is being used to make a 911 emergency call.

(5) Except as provided in subdivision (6), during the one hundred eighty (180) days after the issuance of the probationary license **or**



1 **the probationary driving authority permit**, the individual may
 2 not operate a motor vehicle in which there are passengers until the
 3 individual becomes eighteen (18) years of age unless
 4 accompanied in the front seat of the motor vehicle by:

5 (A) a certified driver education instructor; or

6 (B) a licensed driver with valid driving privileges who is:

7 (i) at least twenty-five (25) years of age; or

8 (ii) if the licensed driver is the individual's spouse, at least
 9 twenty-one (21) years of age.

10 (6) The individual may operate a motor vehicle and transport:

11 (A) a child or stepchild of the individual;

12 (B) a sibling of the individual, including step or half siblings;

13 (C) the spouse of the individual; or

14 (D) any combination of individuals described in clauses (A)
 15 through (C);

16 without another accompanying individual present in the motor
 17 vehicle.

18 (7) The individual may operate a motor vehicle only if the
 19 individual and each occupant of the motor vehicle are:

20 (A) properly restrained by a properly fastened safety belt; or

21 (B) if the occupant is a child, restrained in a properly fastened
 22 child restraint system according to the manufacturer's
 23 instructions under IC 9-19-11;

24 properly fastened about the occupant's body at all times when the
 25 motor vehicle is in motion.

26 (c) An individual who holds a probationary license issued under this
 27 section may be eligible to receive an operator's license, a chauffeur's
 28 license, a public passenger chauffeur's license, or a commercial driver's
 29 license when the individual is at least eighteen (18) years of age. **An**
 30 **individual who holds a probationary driving authority permit may**
 31 **not receive an operator's license, a chauffeur's license, a public**
 32 **passenger chauffeur's license, or a commercial driver's license.**
 33 **However, an individual who holds a probationary driving**
 34 **authority permit may receive a driving authority permit when the**
 35 **individual becomes eighteen (18) years of age.**

36 (d) Except as provided in IC 9-24-12-1(e), a probationary license or
 37 **probationary driving authority permit** issued under this section:

38 (1) expires at midnight of the date thirty (30) days after the
 39 twenty-first birthday of the holder; and

40 (2) may not be renewed.

41 SECTION 23. IC 9-24-12-0.5, AS ADDED BY P.L.101-2009,
 42 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2015]: Sec. 0.5. ~~This section applies beginning January 1, 2010.~~ A learner's permit ~~or driving authority~~ **learner's permit** issued under this article expires two (2) years after the date of issuance.

SECTION 24. IC 9-24-12-1, AS AMENDED BY P.L.103-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) Notwithstanding subsection (c) and except as provided in subsection (b) and sections 10, 11, and 12 of this chapter, the expiration date of an operator's license that is the renewal license for a license that contains a 2012 expiration date is as follows:

(1) If the license was previously issued or renewed after May 14, 2007, and before January 1, 2008, the renewal license expires at midnight on the birthday of the holder that occurs in 2017.

(2) If the license was previously issued or renewed after December 31, 2007, and before January 1, 2009, the renewal license expires at midnight on the birthday of the holder that occurs in 2018.

(3) If the license was previously issued or renewed after December 31, 2005, and before January 1, 2007, the renewal license expires at midnight on the birthday of the holder that occurs in 2016.

(b) Except as provided in sections 10, 11, and 12 of this chapter, an operator's license issued to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in subsections (a), (b), (d), and (f) and sections 10, 11, and 12 of this chapter, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A probationary operator's license issued under IC 9-24-11-3 expires in accordance with IC 9-24-11-3(e).

(e) A probationary operator's license issued under IC 9-24-11-3.3 to an individual who complies with ~~IC 9-24-9-2.5(5)~~ **IC 9-24-9-2.5(a)(5)** through ~~IC 9-24-9-2.5(9)~~ **IC 9-24-9-2.5(a)(9)** expires:

(1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or

(2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization to remain in the United States expires.

(B) At midnight of the date thirty (30) days after the



twenty-first birthday of the holder.

(f) Except as provided in subsection (e), a probationary operator's license issued under IC 9-24-11-3.3 expires at midnight of the date thirty (30) days after the twenty-first birthday of the holder.

(g) Except as provided in sections 10 and 11 of this chapter, a driving authority permit issued under this article expires at midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 25. IC 9-24-12-4, AS AMENDED BY P.L.2-2014, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. (a) Except as provided in subsections (b) and (c), the application for renewal of:

- (1) an operator's license;
- (2) a chauffeur's license;
- (3) a public passenger chauffeur's license; ~~or~~
- (4) an identification card; ~~or~~

(5) a driving authority permit;

under this article may be filed not more than twelve (12) months before the expiration date of the license or identification card held by the applicant.

(b) When the applicant complies with ~~IC 9-24-9-2.5(5)~~ **IC 9-24-9-2.5(a)(5)** through ~~IC 9-24-9-2.5(10)~~, **IC 9-24-9-2.5(a)(10)**, an application for renewal of a driver's license in subsection (a)(1), (a)(2), or (a)(3) may be filed not more than one (1) month before the expiration date of the license held by the applicant.

(c) When the applicant complies with IC 9-24-16-3.5(1)(E) through IC 9-24-16-3.5(1)(J), an application for renewal of an identification card under subsection (a)(4) may be filed not more than one (1) month before the expiration date of the identification card held by the applicant.

(d) When the applicant complies with IC 9-24-9-2.5(b), an application for renewal of a driving authority permit under subsection (a)(5) may be filed not more than one (1) month before the expiration date of the permit held by the applicant.

SECTION 26. IC 9-24-12-5, AS AMENDED BY P.L.85-2013, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 5. (a) Except as provided in subsection (b), an individual applying for renewal of an operator's **license**, a chauffeur's **license**, ~~or~~ a public passenger chauffeur's license, ~~or a driving authority permit~~ must apply in person at a license branch and do the following:

- (1) Pass an eyesight examination.



(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau;

(B) the applicant holds a valid operator's license **or driving authority permit**, has not reached the applicant's twenty-first birthday, and has active points on the applicant's driving record maintained by the bureau; or

(C) the applicant is in possession of a driver's license **or a driving authority permit** that is expired beyond one hundred eighty (180) days.

(b) The bureau may adopt rules under IC 4-22-2 concerning the ability of a holder of an operator's, a chauffeur's, or a public passenger chauffeur's license to renew the license by mail or by electronic service. If rules are adopted under this subsection, the rules must provide that an individual's renewal of a license by mail or by electronic service is subject to the following conditions:

(1) A valid computerized image of the individual must exist within the records of the bureau.

(2) The previous renewal of the individual's operator's, chauffeur's, or public passenger chauffeur's license must not have been by mail or by electronic service.

(3) The application for or previous renewal of the individual's license must have included a test of the individual's eyesight approved by the bureau.

(4) If the individual were applying for the license renewal in person at a license branch, the individual would not be required under subsection (a)(2) to submit to a written examination.

(5) The individual must be a citizen of the United States, as shown in the records of the bureau.

(6) There must not have been any change in the:

(A) address; or

(B) name;

of the individual since the issuance or previous renewal of the individual's operator's, chauffeur's, or public passenger chauffeur's license.

(7) The operator's, chauffeur's, or public passenger chauffeur's license of the individual must not be:

(A) suspended; or

(B) expired more than one hundred eighty (180) days; at the time of the application for renewal.

(8) The individual must be less than seventy-five (75) years of age at the time of the application for renewal.



(c) An individual applying for the renewal of an operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch under subsection (a) if the individual is not entitled to apply by mail or by electronic service under rules adopted under subsection (b).

SECTION 27. IC 9-24-12-10, AS AMENDED BY P.L.85-2013, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) Except as provided in section 11 of this chapter: ~~after June 30, 2005:~~

- (1) an operator's;
- (2) a chauffeur's; or
- (3) a public passenger chauffeur's;

license **or a driving authority permit** issued to or renewed by a driver who is at least eighty-five (85) years of age expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

(b) Except as provided in section 11 of this chapter, a driving authority permit issued under this article to an applicant who is at least seventy-five (75) years of age but less than eighty-five (85) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

SECTION 28. IC 9-24-12-11, AS AMENDED BY P.L.109-2011, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 11. (a) This section applies to a driver's license issued under:

- (1) IC 9-24-3;
- (2) IC 9-24-4; or
- (3) IC 9-24-5;

or a driving authority permit issued under IC 9-24-3.5.

(b) If the birthday of a holder on which the holder's driver's license **or driving authority permit** issued under a chapter referred to in subsection (a) would otherwise expire falls on:

- (1) Sunday;
- (2) a legal holiday (as set forth in IC 1-1-9-1); or
- (3) a weekday when all license branches, full service providers, and partial services providers in the county of residence of the holder are closed;

the driver's license **or driving authority permit** of the holder does not expire until midnight of the first day after the birthday on which a license branch, full service provider, or partial services provider is open for business in the county of residence of the holder.

SECTION 29. IC 9-24-12-12, AS AMENDED BY P.L.109-2011,



SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) This section applies to a driver's license issued under:

- (1) IC 9-24-3;
- (2) IC 9-24-4; and
- (3) IC 9-24-5.

(b) A driver's license listed in subsection (a) that is issued after December 31, 2007, to an applicant who complies with ~~IC 9-24-9-2.5(5)~~ **IC 9-24-9-2.5(a)(5)** through ~~IC 9-24-9-2.5(10)~~ **IC 9-24-9-2.5(a)(10)** expires:

- (1) at midnight one (1) year after issuance if there is no expiration date on the authorization granted to the individual to remain in the United States; or
- (2) if there is an expiration date on the authorization granted to the individual to remain in the United States, the earlier of the following:

(A) At midnight of the date the authorization of the holder to be a legal permanent resident or conditional resident alien of the United States expires.

(B) At midnight of the birthday of the holder that occurs six (6) years after the date of issuance.

SECTION 30. IC 9-24-18-1, AS AMENDED BY P.L.221-2014, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) A person, except a person exempted under IC 9-24-1-7, who knowingly or intentionally operates a motor vehicle upon a highway and has never received a valid driving license **or permit** commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(b) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that the defendant:

- (1) had been issued a driver's license or permit that was valid; or
- (2) was operating a Class B motor driven cycle;

at the time of the alleged offense. However, it is not a defense under subdivision (2) if the defendant was operating the Class B motor driven cycle in violation of IC 9-21-11-12.

SECTION 31. IC 9-26-1-1.1, AS ADDED BY P.L.217-2014, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.1. (a) The operator of a motor vehicle involved in an accident shall do the following:

- (1) Either:



- 1 (A) immediately stop the operator's motor vehicle:
 2 (i) at the scene of the accident; or
 3 (ii) as close to the accident as possible in a manner that does
 4 not obstruct traffic more than is necessary; or
 5 (B) remain at the scene of the accident until the operator does
 6 the following:
 7 (i) Gives the operator's name and address and the
 8 registration number of the motor vehicle the operator was
 9 driving to any person involved in the accident.
 10 (ii) Exhibits the operator's driver's license, **driving**
 11 **authority permit, or driving authority learner's permit**
 12 to any person involved in the accident or occupant of or any
 13 person attending to any vehicle involved in the accident.
 14 (2) If the accident results in the injury or death of another person,
 15 the operator shall, in addition to the requirements of subdivision
 16 (1):
 17 (A) provide reasonable assistance to each person injured in or
 18 entrapped by the accident, as directed by a law enforcement
 19 officer, medical personnel, or a 911 telephone operator; and
 20 (B) immediately give notice of the accident by the quickest
 21 means of communication to one (1) of the following:
 22 (i) The local police department, if the accident occurs within
 23 a municipality.
 24 (ii) The office of the county sheriff or the nearest state police
 25 post, if the accident occurs outside a municipality.
 26 (3) If the accident involves a collision with an unattended vehicle
 27 or damage to property other than a vehicle, the operator shall, in
 28 addition to the requirements of subdivision (1):
 29 (A) take reasonable steps to locate and notify the owner or
 30 person in charge of the damaged vehicle or property of the
 31 damage; and
 32 (B) if after reasonable inquiry the operator cannot find the
 33 owner or person in charge of the damaged vehicle or property,
 34 do the following:
 35 (i) Notify either the sheriff's department of the county in
 36 which the damaged vehicle or property is located or a
 37 member of the state police department.
 38 (ii) Give the sheriff's department or the state police
 39 department the information required by this section.
 40 (b) An operator of a motor vehicle who knowingly or intentionally
 41 fails to comply with subsection (a) commits leaving the scene of an
 42 accident, a Class B misdemeanor. However, the offense is:



(1) a Class A misdemeanor if the accident results in bodily injury to another person;

(2) a Level 6 felony if:

(A) the accident results in serious bodily injury to another person; or

(B) within the five (5) years preceding the commission of the offense, the operator had a previous conviction of any of the offenses listed in IC 9-30-10-4(a);

(3) a Level 5 felony if the accident results in the death of another person; and

(4) a Level 3 felony if the operator knowingly or intentionally fails to stop or comply with subsection (a) during or after the commission of the offense of operating while intoxicated causing serious bodily injury (IC 9-30-5-4) or operating while intoxicated causing death (IC 9-30-5-5).

SECTION 32. IC 9-26-1-1.5, AS AMENDED BY P.L.217-2014, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.5. (a) If:

(1) the operator of a motor vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person as required under section 1.1(a)(2) of this chapter;

(2) there is another occupant in the motor vehicle at the time of the accident who is:

(A) at least:

(i) fifteen (15) years of age and holds a learner's permit issued under IC 9-24-7-1, ~~or a driving authority learner's permit under IC 9-24-7-1~~, a driver's license issued under IC 9-24-11, ~~or a driving authority permit under IC 9-24-3.5~~; or

(ii) eighteen (18) years of age; and

(B) capable of determining the need for and rendering reasonable assistance to injured or entrapped persons as provided in section 1.1(a)(2) of this chapter; and

(3) the other occupant in the motor vehicle knows that the operator of the motor vehicle is physically incapable of determining the need for or rendering assistance to any injured or entrapped person;

the motor vehicle occupant referred to in subdivisions (2) and (3) shall immediately determine the need for and render reasonable assistance to each person injured or entrapped in the accident as provided in section 1.1(a)(2) of this chapter.



(b) If there is more than one (1) motor vehicle occupant to whom subsection (a) applies, it is a defense to a prosecution of one (1) motor vehicle occupant under subsection (a) that the defendant reasonably believed that another occupant of the motor vehicle determined the need for and rendered reasonable assistance as required under subsection (a).

SECTION 33. IC 9-29-9-1, AS AMENDED BY P.L.216-2014, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) The fee for an original learner's permit **or an original driving authority learner's permit** issued under IC 9-24-7 is nine dollars and fifty cents (\$9.50). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the motor vehicle highway account.
- (2) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (3) Two dollars (\$2) to the crossroads 2000 fund.
- (4) For an original learner's permit **or driving authority learner's permit** issued before July 1, 2019, as follows:
 - (A) One dollar and seventy-five cents (\$1.75) to the integrated public safety communications fund.
 - (B) Four dollars and seventy-five cents (\$4.75) to the commission fund.
- (5) For an original learner's permit **or driving authority learner's permit** issued after June 30, 2019, six dollars and fifty cents (\$6.50) to the commission fund.

(b) The fee for a duplicate learner's permit **or a duplicate driving authority learner's permit** issued under IC 9-24-7 is ten dollars and fifty cents (\$10.50). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (2) Two dollars (\$2) to the motor vehicle highway account.
- (3) Two dollars (\$2) to the crossroads 2000 fund.
- (4) For a duplicate learner's permit **or driving authority learner's permit** issued before July 1, 2019, as follows:
 - (A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (B) Four dollars and seventy-five cents (\$4.75) to the commission fund.
- (5) For a duplicate learner's permit **or driving authority learner's permit** issued after June 30, 2019, six dollars (\$6) to the commission fund.

SECTION 34. IC 9-29-9-2.1, AS ADDED BY P.L.216-2014, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2.1. (a) The fee for an operator's



license issued under IC 9-24-3 **or a driving authority permit issued under IC 9-24-3.5** or renewed under IC 9-24-12 to an individual who is less than seventy-five (75) years of age is seventeen dollars and fifty cents (\$17.50). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (2) Two dollars (\$2) to the crossroads 2000 fund.
- (3) Four dollars and fifty cents (\$4.50) to the motor vehicle highway account.

(4) For an operator's license **or a driving authority permit** issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Nine dollars and twenty-five cents (\$9.25) to the commission fund.

(5) For an operator's license **or a driving authority permit** issued or renewed after June 30, 2019, ten dollars and fifty cents (\$10.50) to the commission fund.

(b) The fee for an operator's license issued under IC 9-24-3 **or a driving authority permit issued under IC 9-24-3.5** or renewed under IC 9-24-12 to an individual who is at least seventy-five (75) years of age and less than eighty-five (85) years of age is eleven dollars (\$11). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (2) One dollar and fifty cents (\$1.50) to the crossroads 2000 fund.
- (3) Three dollars (\$3) to the motor vehicle highway account.

(4) For an operator's license **or a driving authority permit** issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Four dollars and seventy-five cents (\$4.75) to the commission fund.

(5) For an operator's license **or a driving authority permit** issued or renewed after June 30, 2019, six dollars (\$6) to the commission fund.

(c) The fee for an operator's license issued under IC 9-24-3 **or a driving authority permit issued under IC 9-24-3.5** or renewed under IC 9-24-12 to an individual who is at least eighty-five (85) years of age is seven dollars (\$7). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (2) One dollar (\$1) to the crossroads 2000 fund.
- (3) Two dollars (\$2) to the motor vehicle highway account.
- (4) For an operator's license **or a driving authority permit**



issued or renewed before July 1, 2019, as follows:

(A) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.

(B) Two dollars and twenty-five cents (\$2.25) to the commission fund.

(5) For an operator's license **or a driving authority permit** issued or renewed after June 30, 2019, three dollars and fifty cents (\$3.50) to the commission fund.

SECTION 35. IC 9-30-3-12, AS AMENDED BY P.L.85-2013, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 12. (a) If during any twelve (12) month period a person has committed moving traffic violations for which the person has:

(1) been convicted of at least two (2) traffic misdemeanors;

(2) had at least two (2) traffic judgments entered against the person; or

(3) been convicted of at least one (1) traffic misdemeanor and has had at least one (1) traffic judgment entered against the person;

the bureau may require the person to attend and satisfactorily complete a driver safety program approved by the bureau. The person shall pay all applicable fees required by the bureau.

(b) This subsection applies to an individual who holds a probationary license **or a probationary driving authority permit** under IC 9-24-11-3.3 or is less than eighteen (18) years of age. An individual is required to attend and satisfactorily complete a driver safety program approved by the bureau if either of the following occurs at least twice or if both of the following have occurred when the individual was less than eighteen (18) years of age:

(1) The individual has been convicted of a moving traffic offense, other than an offense that solely involves motor vehicle equipment.

(2) The individual has been the operator of a motor vehicle involved in an accident for which a report is required to be filed under IC 9-26-2.

The individual shall pay all applicable fees required by the bureau.

(c) The bureau may suspend the driving privileges of any person who:

(1) fails to attend a driver safety program; or

(2) fails to satisfactorily complete a driver safety program;

as required by this section.

(d) Notwithstanding IC 33-37-4-2, any court may suspend one-half (1/2) of each applicable court cost (including fees) for which a person



1 is liable due to a traffic violation if the person enrolls in and completes
 2 a driver safety program or a similar school conducted by an agency of
 3 the state or local government.

4 SECTION 36. IC 20-33-2-11, AS AMENDED BY P.L.242-2005,
 5 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the
 7 minimum requirements for qualifying for the issuance of an operator's
 8 license, **a driving authority permit, a driving authority learner's**
 9 **permit**, or a learner's permit, and subject to subsections (c) through (e),
 10 an individual who is:

- 11 (1) at least thirteen (13) years of age but less than fifteen (15)
- 12 years of age;
- 13 (2) a habitual truant under the definition of habitual truant
- 14 established under subsection (b); and
- 15 (3) identified in the information submitted to the bureau of motor
- 16 vehicles under subsection (f);

17 may not be issued an operator's license, **a driving authority permit,**
 18 **a driving authority learner's permit**, or a learner's permit to drive a
 19 motor vehicle under IC 9-24 until the individual is at least eighteen
 20 (18) years of age.

21 (b) Each governing body shall establish and include as part of the
 22 written copy of its discipline rules described in IC 20-33-8-12:

- 23 (1) a definition of a child who is designated as a habitual truant,
- 24 which must, at a minimum, define the term as a student who is
- 25 chronically absent, by having unexcused absences from school for
- 26 more than ten (10) days of school in one (1) school year;
- 27 (2) the procedures under which subsection (a) will be
- 28 administered; and
- 29 (3) all other pertinent matters related to this action.

30 (c) An individual described in subsection (a) is entitled to the
 31 procedure described in IC 20-33-8-19.

32 (d) An individual described in subsection (a) who is at least thirteen
 33 (13) years of age and less than eighteen (18) years of age is entitled to
 34 a periodic review of the individual's attendance record in school to
 35 determine whether the prohibition described in subsection (a) shall
 36 continue. The periodic reviews may not be conducted less than one (1)
 37 time each school year.

38 (e) Upon review, the governing body may determine that the
 39 individual's attendance record has improved to the degree that the
 40 individual may become eligible to be issued an operator's license, **a**
 41 **driving authority permit, a driving authority learner's permit**, or
 42 a learner's permit.



(f) Before:

(1) February 1; and

(2) October 1;

of each year the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under subsection (a) to be issued an operator's license, **a driving authority permit, a driving authority learner's permit**, or a learner's permit.

(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).

SECTION 37. IC 20-33-2-28.5, AS AMENDED BY P.L.185-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 28.5. (a) This section applies to an individual:

(1) who:

(A) attends or last attended a public school;

(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and

(C) has not completed the requirements for graduation;

(2) who:

(A) wishes to withdraw from school before graduation;

(B) fails to return at the beginning of a semester; or

(C) stops attending school during a semester; and

(3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all of the following conditions are met:

(1) An exit interview is conducted.

(2) The individual's parent consents to the withdrawal.

(3) The school principal approves of the withdrawal.

(4) The withdrawal is due to:

(A) financial hardship and the individual must be employed to support the individual's family or a dependent;

(B) illness; or

(C) an order by a court that has jurisdiction over the child.

During the exit interview, the school principal shall provide to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma. The school principal shall advise the student and the student's parent that the student's withdrawal from school may prevent the student from receiving or result in the revocation of the student's employment certificate and driver's license, **driving authority permit, driving authority learner's permit**, or learner's permit.



(c) For purposes of this section, the following must be in written form:

- (1) An individual's request to withdraw from school.
- (2) A parent's consent to a withdrawal.
- (3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-24-1-4), shall provide an annual report to the department setting forth the following information:

- (1) The total number of individuals:
 - (A) who withdrew from school under this section; and
 - (B) who either:
 - (i) failed to return to school at the beginning of a semester; or
 - (ii) stopped attending school during a semester;

and for whom there is no record of transfer to another school.

- (2) The number of individuals who withdrew from school following an exit interview.

(f) If an individual to which this section applies:

- (1) has not received consent to withdraw from school under this section; and
- (2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-33-3-13, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license, **driving authority permit**, **driving authority learner's permit**, or learner's permit issued to the individual and does not issue any additional driver's licenses, **driving authority permits**, **driving authority learner's permits**, or learner's permits to the individual before the individual is at least eighteen (18)



years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section;

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery and, for purposes of IC 20-33-3-13 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

SECTION 38. IC 20-33-8-33, AS AMENDED BY P.L.125-2012, SECTION 402, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 33. Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), a principal shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license, **driving authority permit, driving authority learner's permit**, or learner's permit, or concerning the suspension of driving privileges under IC 9-24-2-4.

SECTION 39. IC 31-37-19-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 13. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) dealing in:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a counterfeit substance (as defined in IC 35-48-1-10);

(2) possessing:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a prescription drug (as defined in IC 35-48-1-25);

for which the child does not have a prescription; or

(3) conspiring to commit an act described in subdivision (1) or

(2).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to invalidate the child's operator's license, **driving authority permit**, or permit for a period specified by the court of at least six (6) months but not more than one (1) year from the time the child would otherwise be eligible for a learner's permit **or driving authority learner's permit**.



SECTION 40. IC 31-37-19-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14. (a) This section applies if:

(1) a child has been previously determined to be a delinquent child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal) due to the commission of a delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal); or

(2) the delinquent act described in section 13(a)(1), 13(a)(2), or 13(a)(3) of this chapter (or IC 31-6-4-15.9(d)(1), IC 31-6-4-15.9(d)(2), or IC 31-6-4-15.9(d)(3) before its repeal) was committed:

(A) on school property;

(B) within one thousand (1,000) feet of school property; or

(C) on a school bus.

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles to invalidate the child's operator's license **or driving authority permit** for a period specified by the court of at least six (6) months but not more than two (2) years from the time the child would otherwise be eligible for a learner's permit **or driving authority learner's permit**.

SECTION 41. IC 31-37-19-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 15. (a) This section applies if a child is a delinquent child under IC 31-37-1 due to the commission of a delinquent act that, if committed by an adult, would be:

(1) dealing in:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a counterfeit substance (as defined in IC 35-48-1-10);

(2) possessing:

(A) a controlled substance (as defined in IC 35-48-1-9); or

(B) a prescription drug (as defined in IC 35-48-1-25);

for which the child does not have a prescription; or

(3) conspiring to commit an act described in subdivision (1) or

(2).

(b) The juvenile court shall, in addition to any other order or decree the court makes under this chapter, order the bureau of motor vehicles not to issue the child a learner's permit **or driving authority learner's permit** for a period specified by the court of at least six (6) months but not more than one (1) year from the time the child would otherwise be eligible for a learner's permit **or driving authority learner's permit**.



1 SECTION 42. IC 31-37-19-16 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 16. (a) This section
 3 applies if:

4 (1) a child has been previously determined to be a delinquent
 5 child under IC 31-37-1 (or IC 31-6-4-1(b)(1) before its repeal)
 6 due to the commission of a delinquent act described in section
 7 15(a)(1), 15(a)(2), or 15(a)(3) of this chapter (or
 8 IC 31-6-4-15.9(e)(1), IC 31-6-4-15.9(e)(2), or
 9 IC 31-6-4-15.9(e)(3) before its repeal); or

10 (2) the delinquent act described in section 15(a)(1), 15(a)(2), or
 11 15(a)(3) of this chapter (or IC 31-6-4-15.9(e)(1),
 12 IC 31-6-4-15.9(e)(2), or IC 31-6-4-15.9(e)(3) before its repeal)
 13 was committed:

14 (A) on school property;

15 (B) within one thousand (1,000) feet of school property; or

16 (C) on a school bus.

17 (b) The juvenile court shall, in addition to any other order or decree
 18 the court makes under this chapter, order the bureau of motor vehicles
 19 not to issue the child a learner's permit **or driving authority learner's**
 20 **permit** for a period specified by the court of at least six (6) months but
 21 not more than two (2) years from the time the child would otherwise be
 22 eligible for a learner's permit **or driving authority learner's permit**.

23 SECTION 43. IC 31-37-19-17 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 17. (a) This section
 25 applies if a child is a delinquent child under IC 31-37-1 due to the
 26 commission of a delinquent act that, if committed by an adult, would
 27 be criminal mischief or institutional criminal mischief under
 28 IC 35-43-1-2 that involves the use of graffiti.

29 (b) The juvenile court may, in addition to any other order or decree
 30 the court makes under this chapter, order the bureau of motor vehicles
 31 to:

32 (1) suspend the child's operator's license **or driving authority**
 33 **permit**; or

34 (2) invalidate the child's learner's permit **or driving authority**
 35 **learner's permit**;

36 for one (1) year beginning the date of the order.

37 SECTION 44. IC 31-37-19-20 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 20. (a) This section
 39 applies if the juvenile court has entered an order for suspension or
 40 invalidation of an operator's license, **driving authority permit, or a**
 41 **learner's permit, or driving authority learner's permit** under section
 42 17 of this chapter (or IC 31-6-4-15.9(f) before its repeal).



(b) Following a determination by the juvenile court that the child has removed or painted over the graffiti or has made other suitable restitution, the court may:

- (1) rescind the order for suspension or invalidation; and
- (2) allow the child to receive a license or permit before the period of suspension or invalidation ends.

SECTION 45. IC 33-39-1-8, AS AMENDED BY P.L.168-2014, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) After June 30, 2005, this section does not apply to a person who:

- (1) holds a commercial driver's license; and
- (2) has been charged with an offense involving the operation of a motor vehicle in accordance with the federal Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Public Law 106-159.113 Stat. 1748).

(b) This section does not apply to a person arrested for or charged with:

- (1) an offense under IC 9-30-5-1 through IC 9-30-5-5; or
- (2) if a person was arrested or charged with an offense under IC 9-30-5-1 through IC 9-30-5-5, an offense involving:
 - (A) intoxication; or
 - (B) the operation of a vehicle;

if the offense involving intoxication or the operation of a vehicle was part of the same episode of criminal conduct as the offense under IC 9-30-5-1 through IC 9-30-5-5.

(c) This section does not apply to a person:

- (1) who is arrested for or charged with an offense under:
 - (A) IC 7.1-5-7-7, if the alleged offense occurred while the person was operating a motor vehicle;
 - (B) IC 9-30-4-8(a), if the alleged offense occurred while the person was operating a motor vehicle;
 - (C) IC 35-44.1-2-13(b)(1); or
 - (D) IC 35-43-1-2(a), if the alleged offense occurred while the person was operating a motor vehicle; and
- (2) who held a probationary license **or a probationary driving authority permit** (as **those terms are** defined in IC 9-24-11-3.3(b)) and was less than eighteen (18) years of age at the time of the alleged offense.

(d) A prosecuting attorney may withhold prosecution against an accused person if:

- (1) the person is charged with a misdemeanor, a Level 6 felony, or a Level 5 felony;



(2) the person agrees to conditions of a pretrial diversion program offered by the prosecuting attorney;

(3) the terms of the agreement are recorded in an instrument signed by the person and the prosecuting attorney and filed in the court in which the charge is pending; and

(4) the prosecuting attorney electronically transmits information required by the prosecuting attorneys council concerning the withheld prosecution to the prosecuting attorneys council, in a manner and format designated by the prosecuting attorneys council.

(e) An agreement under subsection (d) may include conditions that the person:

(1) pay to the clerk of the court an initial user's fee and monthly user's fees in the amounts specified in IC 33-37-4-1;

(2) work faithfully at a suitable employment or faithfully pursue a course of study or career and technical education that will equip the person for suitable employment;

(3) undergo available medical treatment or counseling and remain in a specified facility required for that purpose;

(4) support the person's dependents and meet other family responsibilities;

(5) make restitution or reparation to the victim of the crime for the damage or injury that was sustained;

(6) refrain from harassing, intimidating, threatening, or having any direct or indirect contact with the victim or a witness;

(7) report to the prosecuting attorney at reasonable times;

(8) answer all reasonable inquiries by the prosecuting attorney and promptly notify the prosecuting attorney of any change in address or employment; and

(9) participate in dispute resolution either under IC 34-57-3 or a program established by the prosecuting attorney.

(f) An agreement under subsection (d)(2) may include other provisions reasonably related to the defendant's rehabilitation, if approved by the court.

(g) The prosecuting attorney shall notify the victim when prosecution is withheld under this section.

(h) All money collected by the clerk as user's fees under this section shall be deposited in the appropriate user fee fund under IC 33-37-8.

(i) If a court withholds prosecution under this section and the terms of the agreement contain conditions described in subsection (e)(6):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form



prescribed or approved by the division of state court administration with the clerk.

SECTION 46. IC 34-28-5-1, AS AMENDED BY P.L.125-2012, SECTION 412, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) As used in this section, "probationary license" refers to a license **or probationary driving authority permit** described in IC 9-24-11-3.3(b).

(b) An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place. However, if the infraction allegedly took place on a public highway (as defined in IC 9-25-2-4) that runs on and along a common boundary shared by two (2) or more judicial circuits, a prosecuting attorney for any judicial circuit sharing the common boundary may bring the action.

(c) An action to enforce an ordinance shall be brought in the name of the municipal corporation. The municipal corporation need not prove that it or the ordinance is valid unless validity is controverted by affidavit.

(d) Actions under this chapter (or IC 34-4-32 before its repeal):

- (1) shall be conducted in accordance with the Indiana Rules of Trial Procedure; and
- (2) must be brought within two (2) years after the alleged conduct or violation occurred.

(e) The plaintiff in an action under this chapter must prove the commission of an infraction or ordinance violation by a preponderance of the evidence.

(f) The complaint and summons described in IC 9-30-3-6 may be used for any infraction or ordinance violation.

(g) Subsection (h) does not apply to an individual holding a probationary license who is alleged to have committed an infraction under any of the following when the individual was less than eighteen (18) years of age at the time of the alleged offense:

- IC 9-19
- IC 9-21
- IC 9-24
- IC 9-25
- IC 9-26
- IC 9-30-5
- IC 9-30-10
- IC 9-30-15.

(h) This subsection does not apply to an offense or violation under IC 9-24-6 involving the operation of a commercial motor vehicle. The



1 prosecuting attorney or the attorney for a municipal corporation may
 2 establish a deferral program for deferring actions brought under this
 3 section. Actions may be deferred under this section if:

4 (1) the defendant in the action agrees to conditions of a deferral
 5 program offered by the prosecuting attorney or the attorney for a
 6 municipal corporation;

7 (2) the defendant in the action agrees to pay to the clerk of the
 8 court an initial user's fee and monthly user's fee set by the
 9 prosecuting attorney or the attorney for the municipal corporation
 10 in accordance with IC 33-37-4-2(e);

11 (3) the terms of the agreement are recorded in an instrument
 12 signed by the defendant and the prosecuting attorney or the
 13 attorney for the municipal corporation;

14 (4) the defendant in the action agrees to pay a fee of seventy
 15 dollars (\$70) to the clerk of court if the action involves a moving
 16 traffic offense (as defined in IC 9-13-2-110);

17 (5) the agreement is filed in the court in which the action is
 18 brought; and

19 (6) if the deferral program is offered by the prosecuting attorney,
 20 the prosecuting attorney electronically transmits information
 21 required by the prosecuting attorneys council concerning the
 22 withheld prosecution to the prosecuting attorneys council, in a
 23 manner and format designated by the prosecuting attorneys
 24 council.

25 When a defendant complies with the terms of an agreement filed under
 26 this subsection (or IC 34-4-32-1(f) before its repeal), the prosecuting
 27 attorney or the attorney for the municipal corporation shall request the
 28 court to dismiss the action. Upon receipt of a request to dismiss an
 29 action under this subsection, the court shall dismiss the action. An
 30 action dismissed under this subsection (or IC 34-4-32-1(f) before its
 31 repeal) may not be refiled.

32 (i) If a judgment is entered against a defendant in an action to
 33 enforce an ordinance, the defendant may perform community
 34 restitution or service (as defined in IC 35-31.5-2-50) instead of paying
 35 a monetary judgment for the ordinance violation as described in section
 36 4(e) of this chapter if:

37 (1) the:

38 (A) defendant; and

39 (B) attorney for the municipal corporation;

40 agree to the defendant's performance of community restitution or
 41 service instead of the payment of a monetary judgment;

42 (2) the terms of the agreement described in subdivision (1):



- 1 (A) include the amount of the judgment the municipal
- 2 corporation requests that the defendant pay under section 4(e)
- 3 of this chapter for the ordinance violation if the defendant fails
- 4 to perform the community restitution or service provided for
- 5 in the agreement as approved by the court; and
- 6 (B) are recorded in a written instrument signed by the
- 7 defendant and the attorney for the municipal corporation;
- 8 (3) the agreement is filed in the court where the judgment was
- 9 entered; and
- 10 (4) the court approves the agreement.
- 11 If a defendant fails to comply with an agreement approved by a court
- 12 under this subsection, the court shall require the defendant to pay up to
- 13 the amount of the judgment requested in the action under section 4(e)
- 14 of this chapter as if the defendant had not entered into an agreement
- 15 under this subsection.

